

Haight Brown & Bonesteel LLP

6080 Center Drive  
Suite 800  
Los Angeles, CA  
90045-1574

P.O. Box 45068  
Los Angeles, CA  
90045-0068

tel: 310.215.7100  
fax: 310.215.7300  
[www.hbblaw.com](http://www.hbblaw.com)



Dennis Morris  
tel: (310) 215-7100  
dmorris@hbblaw.com

July 28, 2004

**VIA EXPRESS MAIL**

Technology Center  
Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re:   Applicant: Catherine O'Neill  
Invention: Resealable Tabs for A Drinking Cup  
Application No.: 09/927,606

Dear Sir/Madame:

Enclosed herewith please find the following:

Petition to Withdraw Abandonment with Exhibit.

Should you have any questions or comments with regard to the above, please do not hesitate to call the number referenced above.

Very truly yours,

Dennis Morris  
Patent Attorney  
Reg. No. 38,975  
Haight Brown & Bonesteel LLP

DM:klf  
Enclosures

RECEIVED  
AUG 04 2004  
TECHNOLOGY CENTER P3700

ON01-0000001  
2977983.1

LOS ANGELES ◆ SAN FRANCISCO ◆ ORANGE COUNTY ◆ SAN DIEGO ◆ RIVERSIDE



Frantz Brown & Bonesteel LLP

Technology Center  
JULY 28, 2004  
Page 2

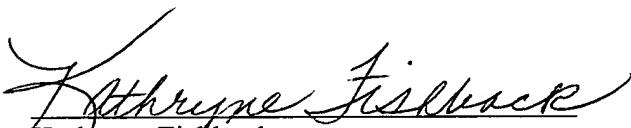
RECEIVED  
AUG 04 2004  
TECHNOLOGY CENTER R3700

\*\*\*\*\*CERTIFICATE OF MAILING\*\*\*\*\*

Express Mailing Label Number: EU 972 443 039 U.S.

Date of Deposit: 7/28/04

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Technology Center, Hon. Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Kathryne Fishback



07-30-04

3727

161

#11/161  
10-7-04  
Pet Ne  
Aband.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Catherine O'Neill

Serial No.: 09/927,606

Invention: Resealable Tab

Filing Date: August 9, 2001

Group Art Unit: 3727

Examiner: Nathan J. Newhouse

Technology Center  
Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
AUG 04 2004  
TECHNOLOGY CENTER A3727

**PETITION TO WITHDRAW ABANDONMENT**

Dear Sir:

Pursuant to the Manual of Patent Examining Procedure (“MPEP”), § 711.03(c), the Applicant respectfully requests that the U.S. Patent and Trademark Office (“Office”) hereby withdraw its holding of abandonment as to the above-referenced Application on the grounds of failure to receive Office Action. On or about June 2, 2003, we filed an Office Action Response with the Office in response to the Examiner’s Office Action of January 3, 2003. On July 7, 2004, we first learned that, unbeknownst to us or the Applicant, the Office sent a Final Office Action on or about August 20, 2003, and thereafter issued a Notice of Abandonment on or about March 17, 2004. Neither we, nor the Applicant, ever received these communications.

In an overabundance of caution, I have caused the file jacket and all docket and file records to be checked to confirm the above communications were not received. I confirm that these communications were never received by this Firm. For the Office’s convenience, we

include a copy of the Docket Record, attached as Exhibit "A", in this matter which also reflects that the above communications were never received by this Firm.

Given the above, it is respectfully requested that the holding of abandonment be withdrawn, and that the Final Office Action be remailed with a renewed statutory period for reply.

Respectfully Submitted,



Dennis S. Morris  
Reg. No. 38,975

Tel. No. (310) 215-7519

Dated: July 28, 2004

HAIGHT, BROWN & BONESTEEL, LLP  
6080 Center Drive, Suite 800  
Los Angeles, California 90045  
(310) 215-7100



RECEIVED  
AUG 04 2004  
TECHNOLOGY CENTER R3700

DOCKET LIST

O'NEILL RESEALABLE TAB PATENT APPLICATION 09/927,606

No.	Date	Title	Description
1.	08/11/00	U.S. Prov. Pat. App.	Provisional Patent App. and all related filing papers.
2.	08/09/01	U.S. Pat. App.	Patent App. and all related filing papers.
3.	09/11/02	Request for Withdrawal as Attorney or Agent	Related papers.
4.	01/03/03	Office Action	Office Action Summary; Notice of References Cited and related papers.
5.	04/17/03	Revocation of Power of Attorney or Authorization of Agent and Power of Attorney or Authorization of Agent	
6.	04/30/03	Notice of Acceptance of Power of Attorney and Notice Regarding Change of Power of Attorney	(mailed together)
7.	05/01/03	Fax from PTO Customer Service Center	Fax of claim pages.
8.	06/02/03	Office Action Response	Office Action Response to Office Action of January 3, 2003; Mock-up copy of the Application Specification; Petition for Extension of Time; and check in the amount of \$205.00 for the extension.

- END -